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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : JON K. CURRY

SERIAL NO. : 09/526,777

FILED : March 16, 2000

FOR: : ANIMAL TOY

Ex. J. M Lofdata - 11_0

Group 3644

AMENDMENT AND REQUEST FOR RECONSIDERATION

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231

Dear Sir:

This is in response to the outstanding Office Action in the above-identified application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as CERTIFIED MAIL NO. 7002 0510 0002 1154 5535 in an envelope addressed to: HON. COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, D.C. 2023 Confeebruary 7, 2003.

TOD R. NISSLE, Reg. No. 29,241

DATE

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REQUEST FOR RECONSIDERATION

The Examiner's thoughtful attention to this application is sincerely appreciated.

Reconsideration of the rejections set forth in the outstanding Office Action is respectfully requested in view of the following remarks.

The following table compares the toy of the invention with the Hass reference (U.S. 5,961,406).

FEATURE	CLAIMS	HASS (U.S. 5,961,406)
Non-spherical rubber core.	13, 15	Spherical rubber core. The Hass disclosure specifically recites "ball" throughout the disclosure. There appears to be no suggestion of some other shape.
Sealed core.	13, 15	Core not sealed. Openings formed through core for strap.
Enclosed compressible gas volume.	13, 15	Gas volume not enclosed and can not be compressed. There appears to be no suggestion in Hass that the gas in the ball be sealed or compressed.
Cover made from heavily napped woven cloth.	13, 15	No discussion in Hass concerning construction of cover.
Cover shrunk.	13, 15	No discussion concerning construction of cover.
Cover has resilient surface.	13, 15	No suggestion of resilient woven surface on ball.
Points on surface of core at varying distances from center of core.	13, 15	Points on ball equidistant from center.

Bounce along straight line .	15	Flexible strap will not permit toy to go along a straight line. No discussion suggesting toy is intended to move along a straight line or suggesting flexible strap is to be rigid or in alignment with ball to travel along a straight line.
Core wall one-sixteenth to five-sixteenths of an inch thick.	13, 15	No discussion concerning thickness of the wall of the ball.

Applicant respectfully submits that the invention is not rendered obvious under 35 U.S.C. Section 103 by the Hass reference (U.S. 5,961,406).

Commercial Success

The attached Declaration sets forth evidence of commercial success and infringement.

Election

Applicant elects Claims 13 and 15 without traverse.

If the Examiner finds merit in the foregoing remarks and amendments, it is believed the application is in condition for allowance, and such action is earnestly solicited.

Attorney's Docket No. 1019-P-1

Respectfully submitted,

TOD R. NISSLE, Reg. No. 29,241

TOD R. NISSLE, P.C.

P. O. Box 55630 Phoenix, Arizona 85078

Tel: 602-494-8700 Fax: 602-494-8707

E-mail: nissle@nissle.com